



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/596,633	06/19/2000	T. TERRY CLANCY	062891.0379	3775

7590 12/01/2003

BARTON E SHOWALTER ESQ
BAKER BOTTS LLP
2001 ROSS AVENUE
DALLAS, TX 75201-2980

EXAMINER

TSEGAYE, SABA

ART UNIT	PAPER NUMBER
----------	--------------

2662

DATE MAILED: 12/01/2003

2

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/596,633

Applicant(s)

CLANCY ET AL.

Examiner

Saba Tsegaye

Art Unit

2662

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 June 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-51 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-51 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 26, 28 and 29 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 26, line 1, the phrase "the signal" lacks antecedent basis.

Claims 28 and 29, the phrase "the signal type" lacks antecedent basis.

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-3, 6-8, 10, 12, 14, 15, 17-21, 24, 26-29, 33-37, 41, 42, 44-48, 50 and 51 are rejected under 35 U.S.C. 102(e) as being anticipated by Korpela (US 5,946,634).

Regarding claims 1, 7, 20, 24, 28, 33 and 36, Korpela discloses, in Figs. 1,3, 4 and 10, a configurable telecommunications system, comprising:

Art Unit: 2662

an interface device (20b) having a plurality of telephony resources (30a-b) an operable to identify a protocol module (261-263) required to process signals received by a selected one of the resources (30a-b), to request the protocol module (261-263) required to process the signals from a control system controller (25), to receive the requested protocol module (261-263) from the system controller (25), and to store the requested protocol module in a protocol database(26); and

the system controller (25) operable to maintain a system protocol database (26) storing a plurality of protocol modules (261-263), receive the request from the interface device, and communicate the requested protocol module from the system protocol database (26) to interface device (20b) (column 4, lines 14-column 5, line 8; column 6, lines 37-65).

Regarding claims 2, 8, 15, 21, 26, 34, 42 and 48, Korpela discloses the system wherein the local protocol database (25) stores integrated services digital network protocol modules (262).

Regarding claim 3, 17, 35, 44 and 50, Korpels discloses the system, wherein the local protocol database (25) stores a protocol module for each of the telephony recourses (30a-b, 261-263).

Regarding claim 6, 10, 18, 27 and 45, Korpels discloses the system, wherein interface device is further operable to process signals received using a core signal handler in combination with a selected protocol module from the local protocol database (column 6, lines 14-24).

Regarding claim 12, Korpels discloses, in fig. 12, the system, wherein the controller is further operable to remove an unused protocol module from the protocol database, wherein the unused protocol module is not required by any of the resources (column 6, line 66-column 7, line 14).

Regarding claims 14, 41 and 47, Korpels discloses, in Fig 10, the steps enumerated in claims 14 and 41. In addition, see column 6, lines 37-51.

Regarding claims 19, 46 and 51, Korpels discloses the system, wherein the remote protocol database stores a plurality of protocol modules that may be requested by the telecommunications device (column 4, lines 13-30; lines 57-67).

Regarding claims 29 and 37, Korpels discloses the software, wherein the signal type indicates a selected one of alerting, call proceeding, connect, setup, suspend, resume, reject, release and status (column 5, lines 21-37).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person

Art Unit: 2662

having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claim 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Korpela.

Korpela discloses all the claim limitations as stated above. Further, Korpela discloses that a newly downloaded protocol will be deleted if no registration has occurred within a period of time or if the registration is terminated. However, Korpela does not expressly disclose receiving an updated version of protocol module during a communication session.

It would have been obvious to one ordinary skill in the art at the time the invention was made to add a method that update and store the specific protocol in the protocol database during communication session in the system of Korpela. Doing so would provide an appropriate protocols and to provide seamless telephone service that support multiple or different protocol.

7. Claims 4, 5, 9, 11, 16, 22, 23, 25, 30-32, 38-40, 43 and 49, rejected under 35 U.S.C. 103(a) as being unpatentable over Korpela in view of Kim (US 6,426,963).

Korpela discloses all the claim limitations as stated above, except for a state table indicating responses to signals based on a signal type and a current state of the resource.

Kim teaches a technique for configuring a network interface circuit capable of being commonly used in all countries or networks, which have different ISDN protocols. Further, Kim teaches that an execution function table (information for the countries and kinds of networks to be operated that is the kind of ISDN installed and connected currently) is comprised of the start address list of the function program currently operated by the function program belonging to the all function list table.

Art Unit: 2662

Therefore, it would have been obvious to one ordinary skill in the art at the time of the invention was made to add a state table indicating responses to signals based on a signal type and a current state of the resource, such as that suggested by Kim, in the system of Korpela in order to provide a reliable communication system and provide a system that monitors the state and usage of protocols.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Miyake et al. (US 6,041,052) discloses a call control system for a subscriber transmission device.

Cunningham et al. (US 6,453,174) discloses a roaming interworking gateway for mobile telecommunications systems.

Jou et al. (US 5,864,559) discloses an ISDN modem capable of self-configuring to use one of a variety of pre-programmed ISDN protocols.

Baum et al. (US 5,577,105) discloses a telephone call routing and switching techniques for data communications.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Saba Tsegaye whose telephone number is (703) 308-4754. The examiner can normally be reached on Monday-Friday (7:30-5:00), First Friday off.

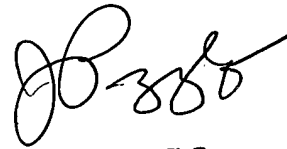
Art Unit: 2662

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hassan Kizou can be reached on (703) 305-4744. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9314.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 306-0377.

ST

November 21, 2003



JOHN PEZZLO
PRIMARY EXAMINER